



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/520,389	03/08/2000	Romualdo T. Impas	M61.12-0177	1272

7590 08/14/2002

Joseph R Kelly
Westman Champlin & Kelly PA
Suite 1600 International Centre
900 Second Avenue South
Minneapolis, MN 55402-3319

EXAMINER

TRAN, MYLINH T

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/520,389

Applicant(s)

IMPAS ET AL.

Examiner

Mylinh T Tran

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2174

DETAILED ACTION

Claim Objections

Claim 42-47 are objected to because of the following informalities:

On claims 42, "The method of claim 32" should be changed to "The computer readable medium of claim 32".

On claim 52, "The method of claim 51" should be changed to "The display of claim 51".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, 2, 21-30 and 53-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin et al.[US. 5,655,066].

As to claims 1 and 29, Martin et al. disclose obtaining a cursor image indication, indicative of a cursor image, obtaining an ancillary image indication, indicative of an ancillary image, based on the cursor image indication (column 2, lines 10-20) and displaying the cursor image and the ancillary image based on the cursor image indication and the ancillary image indication, a location at which the ancillary image is displayed being based on a location at which the cursor image is displayed (figure 6A, column 6, lines 35-47).

As to claims 2 and 30, Martin et al. also disclose forming a composite image indication indicative of a composite image containing both the cursor image and the ancillary image

Art Unit: 2174

and wherein the displaying step comprises displaying the composite image (column 2, lines 22-30).

As to claims 21, 24 and 27, Martin et al. discloses the ancillary image appears as a shadow of the cursor image (column 6, lines 35-45).

As to claims 22, 25 and 28, Martin et al. also discloses the ancillary image appears as an image formed by light impinging on a surface after passing through the cursor image (figure 6A).

As to claim 23, Martin et al. shows a user input device providing a user input signal indicative of user inputs and a display device (column 4, lines 1-12); and a controller, coupled to the user input device and the display device, configured to receive the user input signal, display a cursor image on the display device based on the user input signal, and display an ancillary image based on at least one characteristic of the cursor image, the controller being configured to display the ancillary image to move based on movement of the cursor image on the display device (column 6, lines 12-25).

As to claim 26, Martin et al. demonstrates a cursor image displayed on the display device based on a user input; and an ancillary image displayed on the display device at a position based on a position of the cursor image and having an appearance based on an appearance characteristic of the cursor image (column 6, lines 35-50).

As to claims 53 and 56, Martin et al. shows a cursor with a shadow (column 8, lines 15-25).

As to claims 54 and 60, Martin et al. also shows the shadow is generated, separately from the cursor, and is based on the cursor (figure 6A, column 7, lines 48-67).

As to claim 55, Martin et al. teaches the shadow and cursor are formed integrally with one another (column 7, lines 1-10).

Art Unit: 2174

As to claims 57 and 58, Martin et al. also teaches obtaining cursor image information indicative of both the cursor and the shadow (column 7, lines 1-10; and displaying the cursor and shadow as a single image based on the cursor image information (column 7, lines 18-30).

As to claim 59, Martin et al. demonstrates a cursor image, movable in correlation to actuation of an input device, the cursor image having a shadow (column 8, lines 15-25).

As to claim 61, Martin et al. shows the shadow and cursor image are generated substantially simultaneously (column 7, lines 1-20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3-20 and 31-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. in view of Dawson et al. [US. 5,270,688].

As to claims 3 and 31, Martin et al. teaches the cursor image and ancillary image. The difference between Martin et al. and the claim is obtaining a cursor AND-mask. Dawson et al. shows the AND-mask on column 2, lines 15-25. It would have been obvious to one of ordinary skill in the art, having the teachings of Martin et al. and Dawson et al. before them at the time the invention was made to modify the displaying the cursor image and it's shadow taught by Martin et al. to include the monochrome bitmap of pixel values of Dawson et al., for the purpose of providing an arrangement for generating cursors or other

Art Unit: 2174

overlays for computer output display which overlays are easily discernible from the background over which they are displayed taught by Dawson et al.

As to claims 4 and 32, Dawson et al. teaches obtaining an ALPHA-mask based on the cursor AND-mask (column 5, lines 50-60).

AS to claims 5 and 33, Dawson et al. also teaches the cursor AND-mask comprises a bitmap having dimensions similar to dimensions of a bitmap defining the cursor image, and wherein each bit defines whether a display by a corresponding pixel is visible or non-visible (column 5, lines 10-18).

As to claims 6 and 34, Dawson et al. shows enlarging the AND-mask. to include a border (column 4, lines 30-40); translating values in the AND-mask bitmap from visible values corresponding to a visible portion of the cursor image to translucent values (column 5, lines 45-60) and repositioning the translucent values within the enlarge AND-mask by a desired offset value (column 1, lines 40-48 and column 3, lines 40-47).

As to claims 7 and 35, Dawson et al. shows the repositioning the translucent values by a predetermined offset values (column 3, lines 40-47).

As to claims 8 and 36, Dawson et al. also shows obtaining the desired offset value based on a dynamically changing variable (column 3, line 65 through column 4, line 20) and repositioning the translucent values based on the obtained offset value (column 6, lines 30-40).

As to claims 9 and 37, Dawson et al. demonstrates obtaining the desired offset value based on a displayed position of the cursor image (column 6, lines 30-40).

As to claims 10 and 38, Dawson et al. also demonstrates obtaining the desired offset value based on a displayed position of the cursor image and a time of day (column 2, lines 55-67 and column 6, lines 30-40).

Art Unit: 2174

As to claims 11 and 39, Dawson et al. discloses obtaining the desired offset value based on data associated with an image underlying a displayed position of the cursor image (column 3, lines 12-25).

As to claims 12 and 40, Dawson et al. also discloses obtaining the desired offset value based on an operator input from a pointing device (column 1, lines 16-25).

As to claims 13 and 41, Dawson et al. teaches obtaining the desired offset value based on a size dimension of the cursor image (column 1, line 60 through column 2, line 3).

As to claims 14 and 42, Dawson et al. also teaches blending the ancillary image to a display screen based on the ALPHA-mask; and blending the cursor image to the display

screen based on the cursor AND-mask (column 7, lines 35-47).

As to claims 15 and 43, while Dawson teaches blending the cursor image and ancillary image, Martin et al. shows composite image to the display screen (column 7, lines 48-67).

As to claim 16, Dawson shows blending the ancillary image and the cursor image to a temporary bitmap; and copying the contents of the temporary bitmap to the display screen (column 7, lines 35-47).

As to claims 17 and 44, while Dawson shows the blending the ancillary image to a display screen (column 7, lines 35-47), Martin et al. teaches first term corresponding to a portion of the ancillary image displayed and a second term corresponding to a portion of an underlying image displayed (column 6, lines 29-45 and column 8, lines 15-25).

As to claims 18 and 45, Dawson shows softening the ALPHA-mask (column 5, lines 45-60).

As to claims 19 and 46, Dawson also shows filtering the ALPHA-mask with an averaging filter a desired number of times (column 5, lines 45-60).

Art Unit: 2174

As to claims 20 and 47, Dawson et al. demonstrates the desired number of times is based on data associated with an image underlying a displayed position of the cursor image (column 3, lines 12-25).

As to claims 48 and 51, Dawson et al. shows obtaining a cursor indication indicative of an alpha blended AGRB image; and displaying a cursor image based on the cursor indication (column 6, lines 50-65).

As to claim 49, Martin et al. also shows obtaining the cursor indication from an application (column 4, lines 44-53).

As to claims 50 and 52, while Martin et al. teaches the obtaining the cursor indication as indicative of a composite image, Dawson et al. shows the pixel alpha and color values on column 2, lines 15-25.

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238), may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Art Unit: 2174

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

Art Unit 2174

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100